

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AUG 26 2008

LAWRENCE K. BAERMAN, Clerk
UTICA

BALDWIN RESEARCH INSTITUTE, INC.,

Plaintiff,

vs

6:08-CV-338

ST. JUDE THADDEUS, INC.,

Defendant.

APPEARANCES:

OF COUNSEL:

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DAVID K. HOU, ESQ.

DAVID N. HURD,
United States District Judge

ORDER FOR PRELIMINARY INJUNCTION

Plaintiff Baldwin Research Institute, Inc. ("BRI") is the rightful owner of the following trademarks: "JUDE THADDEUS," U.S. Serial No. 77,380,895; "ST. JUDE RETREAT HOUSE," U.S. Serial No. 77,380,865; and "JUDE THADDEUS and Design," U.S. Serial No. 77,380,917 (collectively referred to as "BRI's MARKS"). BRI owns copyrights in each edition of the Jude Thaddeus Program workbook, including but not limited to the 10th Edition, U.S. Copyright Registration No. TX-6-840-347; and 11th Edition, U.S. Copyright Registration No.

TX-6-839-874, and in its website content located at www.soberforever.net; www.stjuderetreathouse.com; www.homerecovery.net; and www.baldwinresearch.com (collectively referred to as "BRI's Copyrighted Works").

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Lanham Act, 15 U.S.C. § 1051 *et seq*, and the Copyright Act, 17 U.S.C. § 101 *et seq*, BRI has moved for a preliminary injunction enjoining defendant St. Jude Thaddeus, Inc. ("defendant") from infringing BRI's Marks and BRI's Copyrighted Works, and from engaging in false advertising. Defendant opposes.

Oral argument was held in Utica, New York, on June 18, 2008, and a decision was rendered from the bench.

Therefore, it is

ORDERED, that

1. Defendant, its business partners, affiliates, contractual relationships, officers, directors, agents, servants, employees, or affiliates thereof, representatives and attorneys, and any and all persons acting or attempting to act in concert or participation with the same, directly or indirectly, are ENJOINED and RESTRAINED from:

- A. Using BRI's Marks, "St. Jude," "St. Jude Thaddeus," St. Jude Retreat House," any marks containing BRI's Marks, "St. Jude" or "St. Jude Thaddeus" as a component therein, or any other marks similar to BRI's Marks, including but not limited to, enjoining defendant's use of BRI's Marks on its websites and other advertising, in its website source code and metatags, in its domain name(s), in the text of sponsored links in Internet advertising, and to identify any of defendant's facilities or programs.
- B. Infringing in any manner BRI's Copyrighted Works, and specifically, from printing, publishing, delivering, distributing, preparing derivative works, selling, transferring, copying, duplicating, reproducing, performing, offering, displaying, marketing, transferring or communicating in any manner, orally, or in writing, printed, audio, photographic, electronic, or other form, including any communication


in any class or other presentation, or otherwise making unauthorized use of BRI's Copyrighted Works.

- C. Making any false or misleading statements regarding BRI, including, but not limited to BRI's success rates, BRI's history, BRI's proprietary Jude Thaddeus Program; defendant's success rates or defendant's history, including, but not limited to, prohibiting any and all use or representation of BRI's success rates or history. Defendant is further prohibited from making any false or misleading statements regarding an association, affiliation, relationship or sponsorship with BRI or BRI's proprietary Jude Thaddeus Program.
- D. Defendant shall destroy or return to BRI, any and all copies of materials in defendant's possession or control that contain or are derived from BRI's Copyrighted Works or marks.

2. This Preliminary Injunction shall go into effect upon BRI posting a bond pursuant to Rule 65(c) of the Federal Rules of Civil Procedure in the amount of Ten Thousand Dollars (\$10,000.00).

3. Within ten (10) days after the posting of the bond set forth above, the defendant shall file and serve a written statement, sworn to under penalty of perjury, setting forth in detail the manner and form in which defendant has complied and is complying with this Preliminary Injunction.

IT IS SO ORDERED.


United States District Court

Dated: August 25, 2008
Utica, New York.